19 30

Department of L.R. & Sett

OFFICE of the Bd. of Re

STATION Madras

Mis. No. 2630

M

K. 169/29

Dated 8-9-30

	Date Initial
	Given for copying
To whom sent	Copied
	Examined SRM 11-9/
	Signed
	Given for despatch
	Despatched
	Indexed 11 SEP 1930
Pages in the file	To be destroyed on*

(SUBJECT.)

Mun... j - Quarrying - (Bellary) - Mainwaring
Lease by Municipal Council - Recovery of sale
proceeds - waived - J.O communicated.

* Not to be filled in in the case of permanent records.

G.F. 32

In reply, please quote number, date and short title.*

BOARD OF REVENUE 4 JAN 1929 SECRETARIAT

DEPARTMENT.

169.
K

Received *Registered*

From (Name) [illegible] I.C.S.,

(Designation) Collector of

Post Box, (Station) Bellary.

Telegraphic Address

To The Secretary to the Commissioners
Land Revenue & Settlement,
Madras.

File *No.* 59/28-B-4 *dated* 22nd Dec. 1928

Sir,

Land - Quarrying - Municipal Council - Belary - Report - sent.

Enclosures

Spare Copies

---

p2 c.f

The Municipal Council has in its Resolution No.5 dated 10-1-28 (copy enclosed) approved the sale of the right of quarrying in the Mainwarring Tank in Bellary to one Abdulla Khan Saib for Rs.7200/- for one year from 1-1-28.

Memo to H.R.C. 11.1.

2. The question is whether the Municipality has a right to lease out the quarry in the Mainwarring Tank. Reference is invited to (1) B.P. No.1217 dated 3-4-1884 (in which the point was raised by the Board.

Y

K

and (2) G.O. No.755 Rev. dated 16-6-1884.

p 1 of K

In the letter of the Vice President Municipal Commission, Bellary printed as an enclosure in G.O.No.755 dated 16-6-1884 it is admitted on behalf of the Council that the above tank was never transferred outright to the Council but it came under their control under Act X of 1865 as it was a public source of water supply. A further undertaking was given then that no further quarrying would be permitted in this tank except for the improvement of the tank as a reservoir. In these circumstances the Government decided in G.O. No.755 dated 16-6-1884 not to interfere with the control of the Municipal Council in respect of the quarrying in the tank..

K

3. The Mainwaring tank is no longer a source of drinking water supply for Bellary Town as the town is at present served by the Hagari Water supply scheme. The Municipal Council does not maintain the tank at all as was doing hitherto. The tank is abandoned now. In fact the existing supply in the tank

being is/ leased out to carry on extensive quarrying operations. As the tank is abandoned and treated as a quarrying I think that the Municipal Council has gone beyond its rights in leasing out the tank for quarrying, merely to make revenue out of it. I request instructions whether in these circumstances the Council may be requested to credit the lease amount to Government.

3-1-29

T.R.R.3-1-29. For Collector.

31/1/29

Extract of ~~paraxxax~~ Resolution No.5 of the Proceedings of the Municipal Council Bellary at the meeting held on Saturday the 10th November 1928.

---

x x x

5. Approval of the auction of the right of quarrying in Mainwaring tank on Thursday the 25th October 1928 to Abdulla Khan Saib for a sum of Rs.7,200/- for one year from 1-11-1928.

Sale of Kunta is confirmed by 17 to 3. One nuetral.

Messrs. K.T. Srinivasachari, K. Gundchari and S. Chennabasappa are against confirmation. Mr. K. Raghunatha Rao is nuetral.

The conditions according to which the sale was held are approved.

x x x

Ord 14/1/29

253
13 JAN 1929
IV

3

MEMORANDUM.

REQUESTED that the following papers required for the disposal of K.169/29. may be sent at an early date.

1) B.P. 1217 dt 3.4.1884.
2) G.O. 755 Rev dt 16.6.1884. and the B.P. thereon
& Anid other Connected papers.

B.P 1607 / 1.7.84

B. Sampathaiah 11-1-29
Supdt. K. Sec.
~~Secretary.~~

REVENUE BOARD OFFICE,
(LAND REVENUE), ~~Sett~~
Madras,
11. 1. 1929.

SS
11.1.29.

To
The Curator M.R.G.

Subject
Mining - Quarrying (Bellary) - Municipal Council, Bellary) Report.

4/ MRO K.582

E.No. 2838 of 15.1.29 11/0

~~Temporary Shed~~

The Superintendent, CR Reghavacharlu
K. Section Bd. of Rev. Rds 15.1.29.
Tem Curator

KS
15-1-29

R.K.

Please return the following
B.Ps to the Curator, M.R.O

1. B.P. 1217 of 3.4.1884.
2. " 6070 of 1.7.1884
3 " 10575 of 10.12.1883
4 " 1801 of 28.5.1884
5 " 3299 of 2.11.1883
6 " 1546 of 7.5.1884
7 " 2446 of 20.8.1883.

9x30

~~7~~ B.Ps received vide MRO's Endt No. 8440 dated 14-10-30 (Bronze Relief Tiles)

Revised on 14-3-29

DRAFT FOR APPROVAL.

C.F. 16—14.18,300—22-8-27.

Enclosures.

Despatch No.

When given to fair copying

Fair-copied by

Fair-copy compared by

When despatched

Office.

Register No. K-169/29—Q
K582/29—B.

From

Subject.

Mining - Quarrying - (Bellary) Mainwarring Tank - Lease by Municipal Council - Report.

To

THE

3.30. JW 27.2

Ref. K.169-29-1d. 27-2-29

R v I. 14.3.29. (issued) B 14-3-29

The Contract of the tank was vested in the Municipality for a particular purpose viz. water supply. It has ceased to be used for that purpose and is being used by the Municipality as a quarry from which it derives a large revenue. Such a development was obviously no part of the original intention. Such quarrying as had been permitted to go on upto 1884 was admittedly permitted only because it tended to improve ~~the~~ its capacity by deepening the tank as a ~~source~~ of water supply ~~by deepening it~~. The Municipality had no business to continue quarrying ~~after~~ went beyond the conditions of its undertaking of 1884 ~~in Contracting to~~

and even if
~~[illegible] encroaching on the tank~~. The Second
cause viz improvement of the tank's capacity
for such continuance so long as
~~[illegible]~~ have been urged ~~[illegible]~~ the tank
as used for its original purpose ~~that~~ it was a plea which obviously became
~~[illegible]~~ untenable ~~[illegible]~~ as soon as that the tank ~~[illegible]~~
used for
ased to be ~~a source~~ of water
pply. The ~~grant of the lease by the~~
probably did not act in bad faith in the matter; the
unicipality ~~were the opinion of the~~
~~[illegible]~~ thing appears to be an instance of
~~[illegible]~~ due to the blindness ~~of the~~
on the part of the
ev. authorities in watching over
e interests of Govt. ~~and the~~
~~Municipality acting in bad faith~~.
~~the matter~~.

2/ The lease granted by the Municipality
ll expire on 31. 10. 1929. 1930. The tank
would be resumed to Govt from that
ate and should therefore be controlled by the
ev. authorities. The Coll^r is requested
herefore
a report
o submit ~~proposals~~ for the exclusion
the tank from the control of the
unicipal Council under sec. 125 (2) of the Bom
ay Dist. Municipalities Act. A similar provision
the Law
Council
Lands
3/ The Coll^r is also requested to report
t a very early date whether the
ase granted by the Municipality
n the form 'III' appended to the
otification published in G. G.
482 dtd. 17-11-27, and whether p. 2 of (G)
e lease contains the stipulation
equired in rule 5 of those rules.

-3- 7

A copy of the lease deed should also be submitted. The reply to this ref. should be submitted within 14 days of receipt.

27.2.29.

26/2/29.

26.2.29

27.2.29.

To the Coll: of Bellary.

27/2

.S. 84.

DEPARTMENT.

In reply, please quote number, date and short title.*

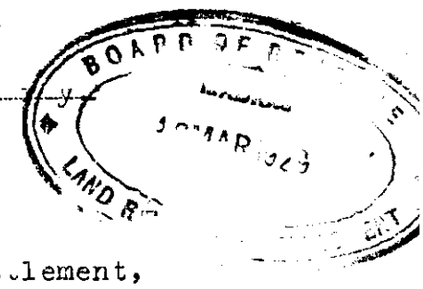
Received ..... / ..... *Registered* K2387

From (Name) ..... ennett Esquire I.C.S.,

(Designation) ..... ollector of

Post Box ....., (STATION) ..... ellary

Telegraphic Address .....



To The Secretary to the Commissioners

Land Revenue and Settlement,

Madras.

Ref. J. *No.* ~~1067/29-2~~ *dated* 15th March 1929.

Sir,

ENCLOSURES .....

.....

.....

SPARE COPIES .....

Mining - Quarrying - Mainwarring Tank - Lease by municipal Council.

pp 5-7C.F

Ref.- Board's No. K.109/29-1 dated 27-2-29.

---

5 C.F

I forward herewith a draft notification for the exclusion of the Mainwarring Tank, Bellary Town, from the control of the Municipal Council, Bellary under Sec. 3 (1) (2) of the Madras District Municipalities Act. A sketch showing the surroundings of the tank is also enclosed. (2)

2. The Chairman, Municipal Council, Bellary has been asked to obtain the views of the Municipal Council regarding the exclusion of the tank from its control and also to furnish the information called for by the Board in para 3 of the reference noted above. His reply has not yet been received and he has been reminded in the matter. On receipt of his reply, I shall submit a further report.

5 C.F

14-3-29

for Collector.

R.M.R.14-3-29.

14/3

Notification.

In exercise of the powers under section 128 (2) of the Madras District Municipalities Act (Act V of 1920), the Local Government do hereby exclude the Main Tarring tank, situated in S.No.504 F of Bellary village and within the boundaries specified below, from the control of the municipal Council, Bellary with effect from 1-1-29 as it is no longer a source of drinking water for Bellary Town.

Boundaries:--

North. 504 C - Railway land.

East. 504 J - Cosmopolitan club.

504 K.- Traveller's bungalow.

504 L - Choultry.

South 504 I - Taluk office.

West 504 G - Railway land.

For Collector.
14-3-29

14/3

Trial 11 Need of newspaper advance Rev. DEPARTMENT. 10 C.F. 98-

REMINDER. I. Br. L.R.Sett. *Branch.* 15/3/29 **REPLY.**

To THE Collector of Bellary

5/84

The undersigned ~~has the honour to invite~~ is directed to invite ~~invites~~ attention to the communication noted in the margin and to request that this reminder may be returned ~~at once~~ with information as to—

Br.L.R.Sett No. 169-29-1, dated 27.2.29.

(1) the stage at which the matter now is,

(2) the date by which a reply may be expected, and

(3) the circumstances which have caused the delay.

2. It is requested that the reply to this reminder may be sent not later than 21.3.29.

Office Br. L.R.Sett B. Saminathan 14.3.29
Signature.

Station Madras. (B.G) Supdt.
Designation.

Dated 14.3.29.

SUBJECT.

mf - Quarrying - (Bellary) - municipal council - Report.

SG 14/3/29

To THE Secretary to the Board L.R.S. Madras

Reply is sent today separately

For Collector

R. F. XXII-A-19.—26,004- 31-1-29 (6).

FOR MEMBER.

Subject.— 11

Mining - Quarrying - (Bellary) - Mainwarming Tank - Lease by Municipal Council - Report.

READ AGAIN B. P. No. _____, dated _____ 192 .

" " " _____ ; " _____ 192 .

READ ALSO :—

Register No. K 169 / K 2387 / 29, From the Q Q, No. _____, dated _____ 192 .

" " _____, " " _____, " _____, " _____ 192 .

" " _____, " " _____, " _____, " _____ 192 .

RESOLUTION. K 169 No. 29-2, dated 22-3- 1929.

R^r T 12.4.29. Coll^r

pdcf.

The Coll^r is requested to expedite the submission of the further report promised in para 2 of his second letter read above.

SS 21/3/29

B 21-3-29

L 22.3.29

Issue

B 22.3.29

To The Coll^r of Bellary.

ENCLOSURES:

SPARE COPIES

the Chairman, Municipal Council, Kasur,

yet sent his report in the matter. He has this day been reminded again to expedite his reply. On receipt of reply I shall submit the report called for by the

K.K.R.16-4-29.

C.F. 32(a)

In reply, please quote number, date and short title.*

BOARD OF REVENUE
17 APR 1929
LAND REVENUE & SETTLEMENT

DEPARTMENT.

Received ..... *Registered* 12/K3174

From (Name) E. Bennett Esquire I.C.S.,

(Designation) Collector of

Post Box ....., (Station) Bellary.

Telegraphic Address .....

To The Secretary to the Commissioner
Land Revenue & Settlement,
Madras.

To A.S.(LR) Files.
24. The Coll^r may be reminded again on 10-5-29.
22-4-29.
SB 19.4.29.
CR 19.4.29

Ref. C. No. 1387/29-B dated 16th April 1929.

Sir,

*Mining - Quarrying - Mainwarring tank - lease by Municipal Council -
Ref:- Board's No. K.169/29-1 dated 22-3-29.

The Chairman, Municipal Council, Bellary has not yet sent his report in the matter. He has this day been reminded again to expedite his reply. On receipt of his reply I shall submit the report called for by the Board.

16/4/29

K.K.R.16-4-29.

For Collector.

CR 16/4

ENCLOSURES .....

.....

.....

SPARE COPIES .....

C.F. 82.

In reply, please quote number, date and short title.*

13 DEPARTMENT.

Received 8 MAY 1929 Registered K.3796

From (Name) E. Bennett Esqr. I.C.S.,

(Designation) Collector of

Post Box ....., (Station) Bellary.

Telegraphic Address. .....

To A.S. (LR)
Filed.
2. one cell may be reminded again on 4-6-29.
4-6-29.

To The Secretary to the Commissioners
Land Revenue & Settlement,
Madras.

Sg 10/5/29.
CRD 10.5.29

Ref. C. No. 1387/29-B dated 7th May 1929.

Enclosures ....

Sir,

* Mining - quarrying - mainwarring tank - lease by Municipal Council.

Ref:- Board's No. K.169/29-1 dated 22-3-29.

The Chairman, Municipal Council, Bellary states that the subject will be placed at the meeting of the Council to be held during the current month. On receipt of a copy of the Council's resolution, I shall submit a reply.

Spare Copies ....

Spl. Re. II 4.6.29

K.K.R.7-5-29.

For Collector.

C.R. 7/5

R. F. XXII-A-19.—26,004 - 31-1-29 (6).

14

Subject.— Mining - Quarrying - Mainwaring Tank - lease by the Municipal Council

FOR MEMBER.

(5) A.S.(LL) 24/6

Read ~~again~~ ~~B. P.~~ Bds Ref. K. 169-29-29 22.3.29. — Q. No. ———, dated ——— 192

" " " ——— ; " ——— 192

Read also :—

Register No. K 3796/29, From the B, No. ———, dated ——— 192

" " ———, " " ———, ———, " ——— 192

" " ———, " " ———, " ———, " ——— 192

11.20 W 25.6.

RE~~SOLUTION~~. K. 169 ~~No. 29-3~~, dated 24. 6. 1929.

The Coll's attention is invited to his letter no. Ref. C 1387/29-L dt 7.5.29. and the Board's Epl. resn dt 4.6.29. and he is requested to submit the further report called for in the Board's ~~second~~ Ref. read above without further delay as the ref. has been pending for a long time.

BJS 24/6

p 13 C.F

SG 21.6.29.

CEB 21.6.29

the Coll^r of Bellary.

DL 21 JUN 1929

Issue urgent

C.H. 24/6

C F. 32.

In reply, please quote number, date and short title.*

15

BOARD OF REVENUE
28 JUN 1929
LAND REV. & SETTLEMENT

Revenue DEPARTMENT.

Received ..... *Registered* K5175

From (Name) E. Bennett Esq., I.C.S.,

(Designation) Collector of Bellary.

Post Box....., (Station).....

Telegraphic Address.....

To The

Secretary to the Commisioners,

Board of Revenue, Madras.

Ref. C. No. 1387/29 B ~~dated~~ dated 26-6-29. 192

Sir,

*

ENCLOSURES .....

.....

.....

SPARE COPIES .....

Mining- quarrying- Mainwarring tank- lease by Municipal Council.

Ref:- Your No. K. 169/29-3 dated 24-6-29.

Complete information has not been received from the Chairman, Municipal Council, Bellary. The Chairman, Municipal Council, Bellary has this day been again reminded in the matter. On receipt of reply from him, a report will be sent.

28-6-29

A.S.N. 27-6-29.

For Collector.

To A.S. (LA)

Filed

If the C.M.E. may be reminded again on 15.7.29.

4.7.29.

C.F. 32

reply, please quote number, date and short title.*

DEPARTMENT.

Received *Registered* K. 5702

From (Name) E. Bennett Esquire I.C.S.

(Designation) Collector of

Post Box....., (Station) Bellary.

Telegraphic Address.....

To The Secretary to the Commissioners
Land Revenue & Settlement,
Madras.

Ref. C. *No.* 1387/29-B *dated* 13th July 1929.

Sir,

ENCLOSURES 3

Mining - Quarrying - Bellary - Mainwarring tank Lease by Municipal Council further report.

SPARE COPIES K.5706

Ref:- Board's No. K 169/29-1 dated 27-2-29.

In continuation of my report Ref.C.1387/29 B-4, dated 15-3-29, I forward herewith a copy of the Bellary Municipal Council's Resolution No.5 dated 18-5-29 declining to relinquish their control over the Mainwarring Tank, Bellary for the reasons stated in it.

2. The lease deed in Telugu sent by the Chairman Municipal Council, Bellary together with a translation i English is enclosed. The deed is not in the prescribed form and does not contain the condition of payment of ground rent by the lessee to Government as required by G.O. No1 4482 L & M. dated 17-11-27.

13-7-29

K.K.R.15-7-29.

for Collector.

Copy of the Bellary Municipal Council's Resolution No15 dated 18-5-29.-

---

Read letter C.No.1387/29-B/2-3-29 of the Collector, Bellary regarding relinquishment of control over the Mainwaring tank by the Municipal Council as the tank is given away for quarrying purposes by the Council.

Resolution.--

Council resolves to maintain the Mainwarring tank as a source of additional water supply and not as a quarry and does not therefore agree to relinquish it.

11

Copy of agreement.

Lessor:-- Chairman, Municipal Council, Bellary.

Lessee.--- Abdullakhan, son of Imamkhan, Muhammadan, Resident of Nala Gadda I Ward, Bellary Town.

In consideration of the fact that the Municipal Council Bellary has approved of the sale in public auction of the right of quarrying in Mainwarring tank, Bellary held on 25-10-28 in the name of lessee, the lessee agrees to abide by the donditions of sale set forth below:--

(1) that the period of quarrying shall commence from 1-11-28 and end by 31-10-29 (6 P.M.)

(2) that half of the lease amount of Rs.7200/- shall be paid on the date of sale and the remaining amount not later than 25-4-29.

(3) that the bidding deposit of Rs.100/-of the lessee shall not be refunded till the expiry of the lease period.

(4) that the removal of water, silt &c. shall be at lessees own expense, and that no blasting shall be made with any explosives.

(5) that the leasee shall not claim any compensation, on whatever amount, for the shortage of work done or otherwise.

(6) that the stones, slabs etc. shall be removed to a place fixed by the Chairman and not kept in it for any length of time.

(7) that the removal of stones & slabs &c. shall be carted through the existing paths, that no new cart tracks are opened, and if any damage is caused to the tank either by the lessee or his servants, the lessee shall be held responsible.

(8) that all the materials shall be cleared from the kunta before 31-10-29. (6 P.M.) and the lessee forfeits his right to the materials if not so removed. Besides the lessee shall be responsible for costs to be incurred by the Council to remove the materials existing in the kunta if any.

(9) That Mundlur Gangappa son of Narasimhappa shall stand as surety to the lessee in case the lessee infringes the conditions specified above.

Sd/- Abdulla Khan.
Sd/- Mundlur Gangappa.

Witnesses.

1. Kandra Durappa.

2. V. Khaja Sahib.

(True Copy)

520

Mining - Quarrying - (Bellary) - Maniwarring tank - Lease by the Municipal Council - Report.

K. 169/29 —— B.

K 5702/29 —— Q.

Ref. K. 169-29-48. 7-8-29. — —

The Coll^r is requested to report definitely whether the tank in its present condition can be made use of as a source of additional water-supply, i.e. whether he proposes to stop quarrying and allow the tank to revert to its legitimate uses is bonafide or not.

SLG
5.8.29.

Coll^r
6.8.29

M
5.8.29

To the Coll^r of Bellary

In reply, please quote number, date and short title.*

Revenue DEPARTMENT.

Received BOARD OF REVENUE 4 SEP 1929 REVENUE & SETTLEMENT 21 Registered

From (Name) E. Bennett Esq., I.C.S.,

(Designation) Collector of Bellary.

Post Box....., (Station).....

Telegraphic Address.....

To The Secretary to the Commissioners,

Board of Revenue, Land Revenue and Settlement,

Madras.

No. Ref. C. 1387/29 B-4 *dated* dated 2-9-1929.

Sir,

ENCLOSURES .....

.....

.....

SPARE COPIES .....

Mining- quarrying- Bellary Main Warring Tank- lease by the Municipal Council- Report.

Ref:- Board's Ref. K.No. 169-29-4 dated 7-8-29.

The proposal of the Municipal Council, Bellary to stop quarrying in the Main Warrying Tank and maintain it as a source of additional water supply is bonafide.

For Collector.

A.S.N. 3-9-29.

R. F. XXII-A-19.—26,004—31-1-29 (6).

FOR MEMBER.

Subject.— Mining - Quarrying - (Bellary) - Mainwaring tank - Lease by the Municipal Council - Report.

READ AGAIN B. P. No. _____, dated _____ 192 .

" " " _____ : " _____ 192 .

READ ALSO :—

Register No. K 169, From the _____, No. _____, dated _____ 192 .

K 2387 — Q

K 5702 — Q

" " K 7214 " " _____, " _____, " _____ 192 .

" " _____, " " _____, " _____, " _____ 192 .

RESOLUTION. K. 169 — No. 29-5; dated 28. 9. 1929

Ref. - 29-7 & 23.1.30. Desp.

N.I.L.

p1 C.F

The Municipal council, Bellary, has leased out the right of quarrying in the Mainwaring tank in Bellary town to one Abdulla Khan Sahib for Rs 7200/- for one year from 1-11-28. The

p18 C.F

lease deed in Telugu, with an

p17 C.F

English translation, is enclosed. The deed is not in the form prescribed

(G)

in G.O. No. 4482 L.A.M. dt 17-11-27 and it does not contain the condition regarding the payment of ground rent by the lessee to Govt.

p1 (M)

2. The Mainwaring tank is one of the public tanks vested in the

e Municipal Council as a source
f water supply. The question whether
e Council has the right to quarry
the tank was raised in 1884 when
t was decided not to interfere p 2 of (K)
with the Council's Control as it was
epresented that no further quarrying p 1 of (C)
ld be allowed in the tank — Vide
.G. No. 755 Rev. 8/16.6.1884. The tank (K) p 2.
eased to be a source of water-supply
o the town on the introduction p 1 C.F
f the Hagari water supply scheme
nd it is now in an abandoned
tate. The Board considers that
he Municipal Council had no
ight to lease the right of quarrying
n the tank and make revenue
ut of it. It therefore recommends
hat the lease amount of Rs 7200/-
ay be ordered to be recovered p 15 N.F.
rom the Council and credited to
ovt.

7. The Board has considered the p 6 C F
uestion of excluding the tank
rom the Control of the Municipal
ouncil as it is no longer used
s a Source of water supply. The
ouncil is not willing to relinquish
its

its control and in its ~~Res~~ resolution No. 15 dt 18.5.29, Copy enclosed, has decided to maintain the tank as a source of additional water supply and not use it as a quarry. The Board understands that the Council's ~~proposal~~ motive is ~~bonafide~~ genuine and therefore considers that the tank may remain under the Council's control.

26.9.29
26.9.29

7.5.29

To The Secy. to Govt. Dev. Dept.
(with the lease deed, a Copy of its translation and a Copy of the Municipal Council's resolution)

C.F. 32-(a)

In reply, please quote number, date and short title *

25

Revenue DEPARTMENT.

Received 14 OCT 1929 Registered N 8555

BOARD OF REVENUE LAND REVENUE & SETTLEMENT

From (Name) E. Bennett Esq., I.C.S.,

(Designation) Collector of Bellary.

Post Box ____, (Station) ____

Telegraphic Address ____

To The Secretary to the Commissioners,

Board of Revenue, Land Revenue and Settlement,

Madras.

No. ____, *dated* ____ 192

Sir,. Ref. C. 1387/29 B-4 dated 9-10-29.

Mining- quarrying- Bellary- Mainwarring tank- lease by Municipal Council- lease deed- return.

Ref:- My office C. 1387/29 B-4 dated 13-7-29.

I request that the lease deed sent to the Board with this office reference noted above may be returned to me at an early date as the Chariman Municipal Council, Bellary

Enclosures ....

.....

.....

Spare Copies.....

has been asking for its return.

A.S.N. 10-10-29.

For Collector.

R. F. XXII-A-19.—26,004 - 31-1-29 (6).

FOR MEMBER.

Subject.— Mining – Quarrying – (Bellary) – Manwan tank – lease by Municipal Council – Lease deed – Return.

READ AGAIN B. P. No. _____, dated _____ 192

" " " _____ ; " _____ 192

READ ALSO :—

Register No. K 8353/29 From the _____, No. _____, dated _____ 192

" " _____, " " _____, " _____, " _____ 192 .

" " _____, " " _____, " _____, " _____ 192 .

RESOLUTION. K. 169 No. 28-6, dated 17—10— 1929.

The lease deed has been subd to Govt. It will be returned when it is received back from Govt

Add Ref as pp 22-24 C.F

Ale 16.10.29.

Ale 17.10.29

Issue 17/10/29

To the Collr of Bellary.

DEC. 2 TORY

19 OCT 1929

BOARD OF REVENUE 18 NOV 1929
29 NOV 1929
GOVERNMENT OF MADRAS

LOCAL SELF GOVERNMENT DEPARTMENT

MEMORANDUM:- No.40374-1/D-2/P.H, dated 16th November 1929.

From the Board of Revenue, No.169/29-5, dated 28-9-1929.

Subject:- Lease - Mainwarring tank - Bellary Municipal Council - Recovery of Rs.7,200/-

---

Mainwarring tank is one of the public tanks vested in the Municipal Council Bellary as a source of water - supply. The Municipal Council had stated as long ago as 1884 that it was not their intention to allow any quarrying in the tank and it was therefore decided in G.O.No.755 Revenue, dated 16th June 1884 not to interfere with the - Council's control over the tank. Government now understand that the council has leased out the right of quarrying in the tank to one Abdulla Khan Sahib for Rs.7,200/-. The Council has no right of quarrying in the tank and make revenue out of it. The Chairman is therefore requested to show cause why the amount of Rs.7,200/- in respect of the lease of the right of quarrying for the year ending 31st October 1929 should not be recovered from the Municipal Council. He is requested to submit his reply within a fortnight from the date of the receipt of this Memorandum.

S.Ranganathan,

Deputy Secretary to Government.

To

The Chairman, Municipal Council, Bellary.
The Collector of Bellary.
The Development Department.
The Board of Revenue thro' the Revenue Department.
The Revenue Department.

Forwarded.
(By Order)

Superintendent.

M.A.D:/-16-11-29.

C.F. 32-(a).

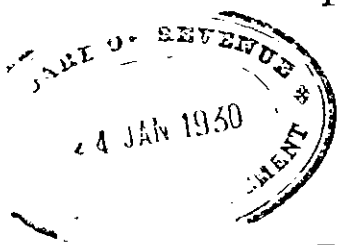
29

Revenue DEPARTMENT.

R 8371

In reply, please quote number, date and short title. *

Received ..... *Registered* R 831



From (Name) E. Bennett Esquire I.C.S.,

(Designation) Collector of Bellary.

Post Box ....., (Station) .....

Telegraphic Address .....

To The Secretary to the Commissioners,
Board of Revenue, Land Revenue & Settlement,
M A D R A S.

No ....., *dated* ..... 192 .

Sir, Ref. C. 1387/29 B-4 dated 22-1-30.

*

Enclosures .....

.....

.....

Spare Copies .....

Lease- Mainwarring tank- Bellary Municipal Council-
Ref. Government Memo No. 40374-1 D-2 P.H. dated 16-11-29.

I invite Board's attention to the Government Memorandum noted above and request to be informed of the orders passed by Government in the matter.

A.S.N. 22-1-30. CR 22/1 For Collector.

Development Department

12868

Memorandum No. 3015 II/29-3 dated 25th January 1930.

Reference Board's reminder No.K.169-29-7 dated 23rd January 1930.

Mining - Quarrying (Bellary) - Mainwaring tank - Lease by the Municipal Council.

The Board of Revenue is informed that the matter is under the consideration of Government.

(By Order)

Assistant Secretary.

To the Board of Revenue, Land Revenue and Settlement.

S.G. 25/1

31

Mining - Quarrying - (Bellary) - Maniwarrip tank - Lease by the Municipal Council.

K. 831/30 —— Q.

Ref. K. 169-29-8 dy 28.-1-30.

The ref. is still pending with the Govt

Ref. K 169-29-9 dy 5.3.30. Govt. Secy.

Letter 28.1.30.

Dy 28.1.30. 28.1.30

Issue 28/1

To the Collr of Bellary.

31 JAN 1930

G.O.

Pl see Govt memo at p 30 C.F. The matter reminded again on 28.2.30

Dy 28/2/30

32

K 2667

164

Development Department.

MEMORANDUM No.3015 II/29-5, dated 18th March 1930.

* * * * * * * * * * * *

20/MAR/1930

Reference:- Board's Reminder, Ref.No.K.169-29-9, dated the 5th March 1930.

Mining - Quarrying (Bellary) - Mainwaring tank Lease by the Municipal Council.

The Board of Revenue is informed that a reference has been made to the Chairman, Municipal Council, Bellary and that the Government are awaiting his reply.

(By order)

To A.S. (Dept.)
Filed.
24. Govt. may be reminded again two months hence.
Dte. 21.3.30

R Ramaswami 1930.
Assistant Secretary to Govt.

SB 21.3.30 To 2430

The Board of Revenue, Land Revenue & Settlement.

A.M.P.

Local Self-Government (L & M)

Department.

From the Secretary, Board of Revenue, Ref.No.K.169/29-295, dated the 28th September 1929.

SECY. 12 MAY 1930

Subject.- Lease - Mainwarring tank - Bellary Municipal Council - Recovery of Rs.7,200/-.

Memorandum No.16623-1 E 1 P.H., dated 7th May 1930.

With reference to the recommendation in the reference from the Board of Revenue No.K.169/295, dated 28th September 1929 that the sum of Rs.7,200/- realised by the Bellary Municipal Council from the lease of the right of quarrying in the Mainwarring tank should be credited to the Government, a copy of letter No.340/29, dated the 30th March 1930 from the Chairman, Municipal Council, Bellary is forwarded to the Board of Revenue. The Board is requested to state whether the lease amounts in the three previous years mentioned were definitely waived, and if so to state whether it has any objection to waiving the present claim also.

A.D.Crombie

Deputy Secretary.

Secretary,
To the Board of Revenue.

F o r w a r d e d.

(By Order)

Superintendent.

N.M.

From the Chairman, Municipal Council, Bellary, Ref.S.C.R. No.340/29, dated the 30th March 1930.

Ref: Government Memorandum No.40374-1 D 2 P.H., dated 16th November 1929.

I submit herewith a copy of Council's resolution No.22/15/30, requesting to waive the recovery of the sale proceeds.

2. I may be permitted to state that on previous occasions i.e., in the years 1913,1924 and 1928 when this tank was leased out for quarrying purposes the Government did not claim the sale proceeds realized. Hence similar concession may also be shown for this lease as the Municipality has already spent the amount realized on the maintenance of roads and other services. Its present financial condition does not permit the refund of such a big sum as Rs.7,200/-.

Enclosure.

Copy of Council's resolution No.22/15/3/30.

Read Government Memorandum No.40374-1 D.2.P.H., dated 16th November 1920 requiring the Council to show cause why the income of Rs.7,200/- derived by the Council by leasing out the Mainwaring tank for quarrying purposes should not be recovered from the Council, in view of their promise made so long ago as 1884 that they would not in future permit quarrying there

Resolution:-

As the claim has now been made by the Government for the first time for the payment of moneys realised by leasing out the Mainwaring Tank and as during previous years when moneys had been realised no such claim had been set forth by the Government, the Council was led to believe that the Government had waived its claim based on the old G.O. referred to a was allowed to appropriate the moneys for itself. Council now requests that the Government be pleased to allow the

Municipality

Municipality to utilise the moneys realised for itself and not to insist an its claim based on the old G.O.

R. F. XXII-A-19.—26,004 31-1-29 (5).

Subject.— Mining - Quarrying - (Bellary) Mainwaring Tank - Lease by the Municipal Council - Report.

FOR ~~MEMBER~~.

A.S. (Retd.)
Thro B

READ AGAIN B. P. No. _____, dated _____ 192

" " " _____, " _____ 2

READ ALSO :—

Register No. K 169/29 From the _____, dated _____ 192

K. 3016/30 — Q

" " _____, " " _____ " _____ 192

" " _____, " " _____ " _____ 192

RESOLUTION. K 169 ~~No. 29-10~~, dated 16.5. 1930

I. 20.6.30 CM^y

Issue K 20/6 pp 1-2 C.F.

16

R^y K 3202 retd. herewith.

K 17/6

pp 34-35 C.F.

With reg. to the Coll^r's letter File 50/28-B4 & 28.12.28 requesting orders whether the Municipal Council Bellary may be requested to credit to Govt the lease amount of Rs 7200/- realised by it from the lease of the right of quarrying in the Mainwaring Tank; a copy of letter No. 340/29 & 30-3-1930 from the Chairman, Municipal Council, Bellary, is forwarded to the Coll^r and he is requested to report whether the lease amounts in the three previous years mentioned by the Chairman, were definitely waived and if so, to

~~87~~ 87

to state whether he has any objection to waiving the present claim also.

SIS 15.5.30 16.5.30.

To the Coll^r of Bellary
(with a copy of the letter from the Municipal chairman)

P/534-35 C.F to the Chief Secretary

Rec'd and d/d: 17/5/30.

C F. 32.

K 3258

Revenue 3b/- DEPARTMENT.

In reply, please quote number and date of this letter.

BOARD OF REVENUE
25 JUN 1930
LAND REV. & SETTLEMENT

Received ..... *Registered* .....

From (Name) E. Bennett Esq., I.C.S.

(Designation) Collector

Post Box ....., (Station) Bellary

Telegraphic Address .....

To The Secretary to the Commissioners,

Land Revenue & Settlement,

M a d r a s.

R.Dis.C. *No.* 1387/29, *dated* 22-6-1930 192

Sir,

ENCLOSURES ..... One .....

SPARE COPIES ..... pp 36-37 C.F.

Mining -Quarrying - Bellary - Mainwarring tank - lease by the Municipal Council.

Ref: Board's No. K 169/29-10 dated 16-5-1930.

I forward herewith a copy of the Bellary Municipal Council Chairman's No. B.C.R. 340/29 dated 18-6-1930 furnishing information regarding the income derived by the Municipality from quarrying in the Mainwarring tank, Bellary, during each of the years, 1915, 1924, 1928 and 1929. p40 C.F.

2. The quarrying of the Mainwarring tank by the Municipal Council in 1915 and 1924 was not objected to by the Revenue Department as the Municipality had not violated the undertaking given by it in 1884 to the effect that no further quarrying would be carried on in the Mainwarring tank except for the improvement of the tank as a reservoir. (Vide the letter of the Vice President, Municipal Council, Bellary printed as an enclosure in G.O. No. 755 dated 16-6-1884). In such circumstances no further steps were taken in the matter then. (K)

3. As the Municipal Council is reported to have spent the whole of the amount realised by it from quarrying in the tank during 1928 and 1929 on the maintenance of roads and as it pleads inability to refund the amount to Government

Government owing to its poor finances, the Government may waive the recovery of the amount from the Municipal Council in view of the fact that the Council has also since resolved to maintain the tank as an additional source of water supply in the town.

24.6.30

T.S. 24/6. for Collector.

24.6.30

40/

Copy of letter Ref. S.C.A. No. 540/29 dated 18-6-1930 from the Chairman, Municipal Council, Bellary to the Collector of Bellary.

--

Quarrying in Mainwarring Tank - Revenue derived.

Ref: Your letter C. 1387-29-B.4 dated 23-5-1930.

I furnish below information regarding income derived the Municipality from quarrying in the said tank.

Year.	Amount derived.
1923-24	Rs.2800
1928-29	5935 *
1929-30	3600
	12335

* This figure includes one half of Rs.7200 for which the said tank was thrown out for quarrying during 1928-29. The other half was received during the next official year 1929-30 and the amount of revenue shown against the year 1929-30 is the same.

As regards the year 1913 during which also the said tank was thrown out for quarrying, no income was derived by the Municipality then from this. The condition under which the said tank was quarried was that one third of the stones and slabs quarried should be given away to the Municipality free of cost and the remaining two thirds is to be taken by the contractor

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For Collector.

24/6

24-6-30

M. F. XXII-A-19-39,500 23-4-30 (S)

FOR MEMBER

Subject.— 41

Mining - Quarrying - (Bellary) - Maniwarnip taule - Lease by the Municipal Council - Report.

READ AGAIN B. P. No. _____, dated _____ 193

" " " _____, " _____ 193

READ ALSO :—

Register No. K-169/29 From the B, No _____, dated _____ 193

K-3016/30 — Q

" " K-3258/30 " — Q, " _____, " _____ 193

W 3 BN " _____, " " _____, " _____, " _____ 193

RESOLUTION. K-169 No 29-11, dated 23-7 1930

Mr. Rem. (K 3408) read with reply. ✓ Today

Issue

23-7-30

23-7-30

840 cf.

DESPATCHED

23 JUL 1930

The income derived by the Municipality from quarrying in the taule during 1923-24 and 1928-29 is reported to have been Rs 2800/- and Rs 5935/- respectively. The amount realised in 1928-29 Rs 3600/- being Rs 5935/- includes one half of Rs 7200/- for which the taule was leased out for quarrying in 1928-29. In 1913 quarrying is reported to have been allowed in the taule on the condition that one third of stones and slabs quarried should be given to the Municipality free of cost. The claim of Govt to the lease amount was on no occasion

occasion definitely waived: The Coll^r reports that quarrying in the lands on the previous occasions was not objected to by the Rev. dept^t as the municipality had not ~~not~~ violated the ~~conditions~~ undertaking given by it in 1884. P 38 c.f.

2. The Board has no objection to waive the present claim if Gov^t think fit to do so in the circumstances explained in the letter from the Municipal chairman ~~letter~~ no. Ref. S.C.R 340/29 § 30.3.30. P 34 c.f.

Cdes 25.7.30.

DS 21/7/30. DS 22.7.30

To the Secy to Gov^t L.S.G. dept.

DS 23/7

43

K3630

Government of Madras.

SECY. 27 SEP 1930

Received. . . . . 1930 Registered. . 27 SEP 1930 . .1930

Abstract.

Mining-Quarrying(Bellary)-Main Warring tank- Lease by Municipal Council- Recovery of sale proceeds- waived-

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Development Department.

G.O.No. 1649 Ms. Dated the 30th August 1930.

Read the following papers:-

From the Board of Revenue,Land Revenue and Settlement, D.K.169/29-5 dated the 28th September 1929.

To the Chairman,Municipal Council,Memorandum,No.40574-1 D-2 P.H.dated 16th November 1929.

From the Chairman,Municipal Council,Ref.340,dated 5-12-29

To --------do---------- Memorandum No.40574-D2 P.H.dated 28-1-1930

To the Board of Revenue,Memorandum No.3015-II/29-5,dated 25th January 1930.

To the --------do---- Memorandum No.3015-II/29-5,dated 18th March 1930.

From the Chairman,Municipal Council,Bellary,Ref.No.340/29 dated 2nd April 1930.

To the Board of Revenue,Memorandum No.16623-1E. P.H. dated 7th May 1930.

From the Board of Revenue,Ref.No.K.169-29-11,dated 25rd July 1930.

****

O R D E R:-

The Government are pleased to waive the recovery from the Municipal Council,Bellary of a sum of Rs.7,200/- which is the amount realised by it by leasing the Mainwarring tank for quarrying from 1st November 1928 to 30th November 1929.

The Government agree with the Board of Revenue that the tank may remain under the control of the Municipal Council,Bellary as a source of water for the town but no quarrying should be allowed in the tank in future without the previous sanction of the Collector and any sums obtained from quarrying in the tank should be credited to the Government.

(By Order of the Governor in Council)

S.V.Ramamurty,
Secretary to Govt.

To the Board of Revenue,Land Revenue and Settlement.
" Accountant-General.
" Chairman,Municipal Council,Bellary.
" Revenue Department.
" Local Self Government Department.

Forwarded.
(By Order)
Superintendent.

m.K.R

B. P. XXII-A-19—89,600—22-4-30 (6)

FOR MEMBER

Subject — 4-4

Mining — Quarrying - (Bellary) Mainwaring taule - Lease by Municipal Council - Recovery of sale proceeds - waived - G.O. Comm^d.

READ AGAIN B. P. No. _____, dated _____ 193

" " " _____, " _____ 193

READ ALSO :—

Register No. K.169/29 From the Q _____, No. _____, dated _____ 193

K 3258/30 A — to coll^r

K. 3630/30 Q to Govt

" " _____, " " _____, " _____, " _____ 193

" " _____, " " _____, " _____, " _____ 193

RESOLUTION. Mis. No. 2630, dated 6-9- 1930

Communicated to the Collector of Bellary.

2. Mess^rs ~~It is~~ requested that the lease deed submitted in Telugu to Govt with ~~Boards~~ Ref. K. 169-29-5 dt 28.9.29 may be returned direct to the Coll^r.

Issue Sd 6.9.'30

P 22 c/5

Sd 5.9.30 Sd 5.9.30

Sd 6.9.30

to the Coll^r of Bellary.

The Secy. to Govt. Dev. Dept^t (para 2 only)

Survey 23.

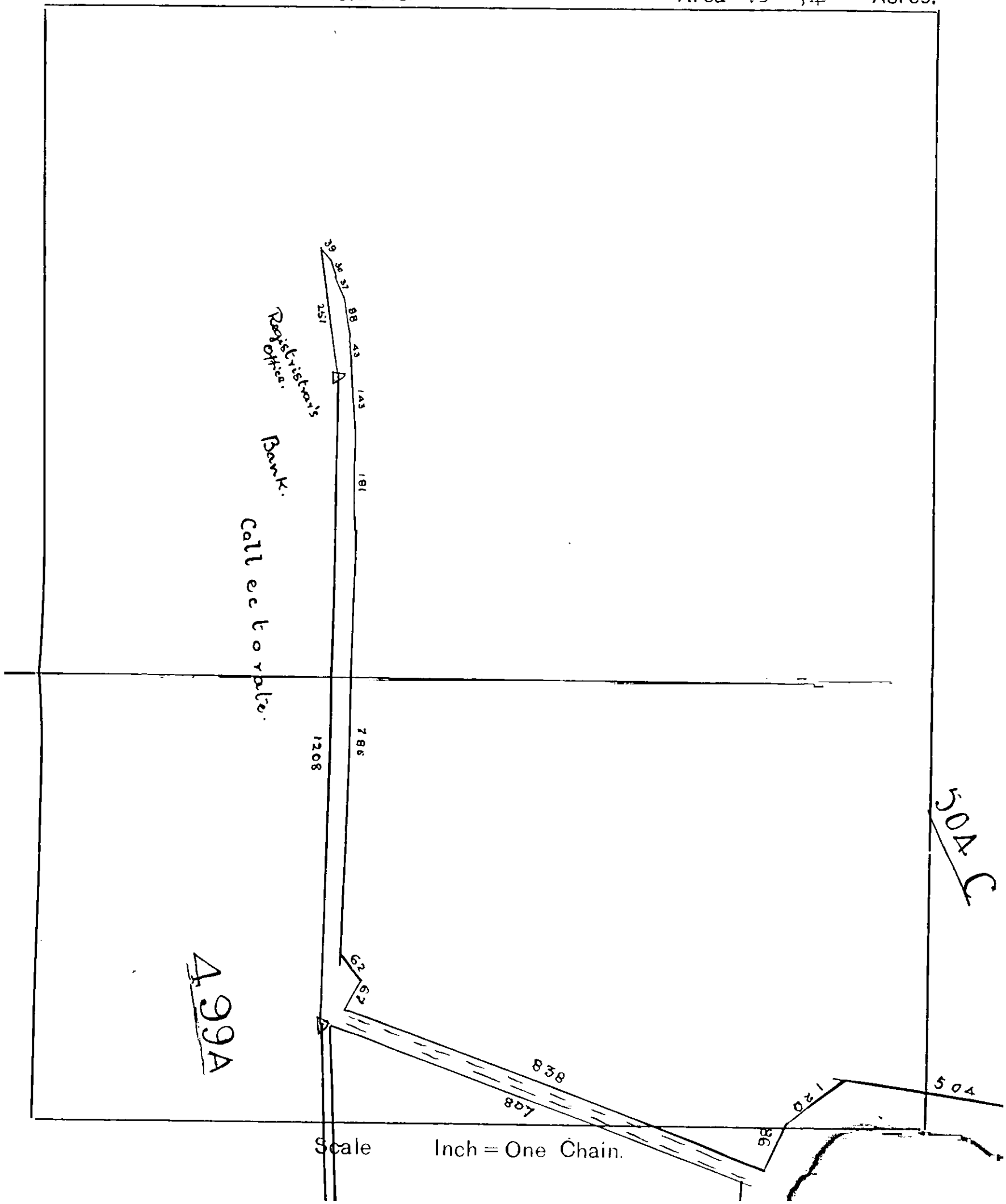
District Bellary

Taluk Bellary

Village { No 68
Name Bellary

Field No. 50 A E.

Area 15·94 Acres.



Survey 23.

Village { No. / Name

Area 16-94. Acres.

District

Taluk

Field No

N.

N. B.

F = Main warring Tank together with the Roads connected with it. 16·34 acres.

G = Taluk. Office and its Compound. 7-15 acres

H = Lady & Sub Assistant Surgeon's Qrs. 0·26 "

I = Rastha. - - - - - - - - - - - - 0·37 "

J = Cosmopolitan Club. - - - - - - - 2·77 "

K = Traveller's Bunglow. - - - - - - - - 2·32 "

L = Choultry. - - - - - - - - - - - 2.60 "

M = Victoria Hospital. - - - - - - - 1·05 "

C = Railway Permanent. - - - - - - - 67·29 "

Scale 1 Inch = One Chain.

211

Survey 23

District

Taluk

Village { No.
Name

Field No | Area | Acres.

Government Telegraph Office.

Tank.

1376 | 1078 | 844

189 | 118 | 144 | 195 | 491 | 546 | 18 | 169 | 21 | 26 | 66

H

T

538 | 302 | 72 | 146 | 215. | 616 | 26

M

611 | 19 | 985

A 92

A 32.

R Ramaraju
Kannam.
7th March 1929.

Bhimavaram
Taluk
6 3 29

Scale Inch = One Chain.

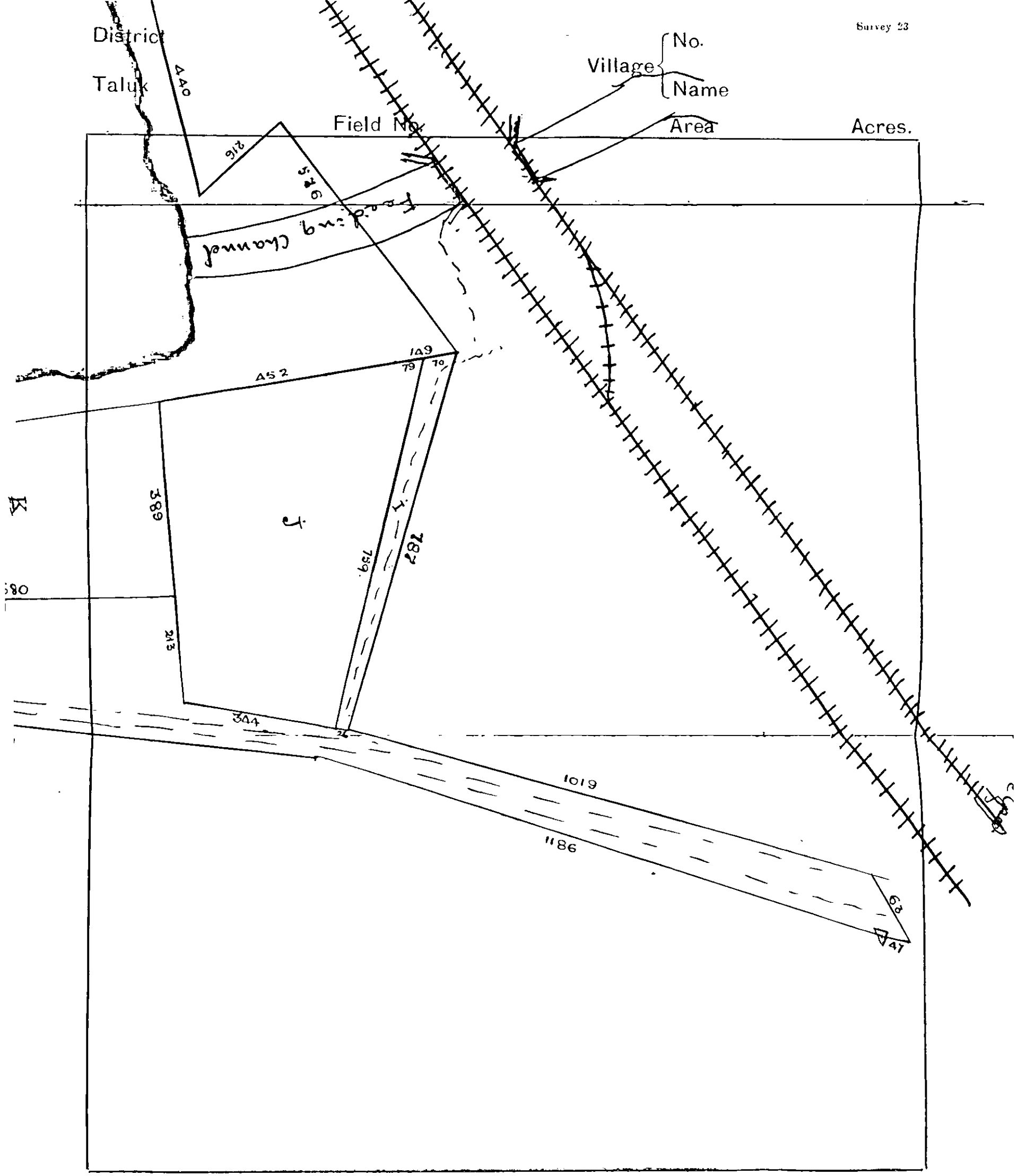
Survey 23

District

Taluk

No.
Village
Name

Field No. | Area | Acres.



Scale $\frac{1}{2}$ Inch = One Chain.

M1
B
A.S.(LR).
(Thro' B/Sec)

Mining - Quarrying - (Bellary) - Mainwarring Tank - Lease by Municipal Council - Report.

K. 169
K. 582/29

pp 3-4 C.F.

To A.S.(LR).

Please see the Coll's letter at pp 1-2. C.F.

2. The following is a short summary of the facts of the case. ~~Quarrying was carried on promiscuously in the Bellary cantonment and in 1883~~ the question of allowing quarrying within the municipal limits of Bellary was taken into considerations. After some correspondence as to the desirabelity of allowing such quarrying it (U). was decided in BP 10575 Mis dy 10.12.1883 that quarrying of stone may bee allowed on land at the disposal of Govt in the Bellary Municipality in places approved by the municipal Commissioners subject to payment of a seigniorage fee of three annas a cubic yard. The "Mainwarring tank" now under repo was one of eight quarries approved by the municipal Commission as fit for quarrying. The Council then claimed a right to the quarry on the ground that it vested in them under sec^n 15 of Act III of 1871 and that it had improved it at a considerable cost - Vide p 2 of (Y) B.P. 1217 dy 3.4.1884. When called (Z) upon to state whether the tank had been vested in the Commission under a notification by Govt the

a Vice - President reported that on the introduction of Act X. of 1865 in 1867 the Commissioners took charge of all public tanks and ~~tanks~~ wells within Municipal limits as a matter of course there being no special provision in the Act for the transfer of such property by notification to the Commissioners similar to sec 15 of Act III of 1871. but merely a provision for placing them under the Control and direction of the Commissioners sec 99 of the Act. He also stated that no quarrying should be allowed in the tanks as it was already deep enough and that it was a mistake to include it in the list of Quarries. The Board even recommended that no interference was necessary with the Control of the Municipality over the tanks. This was approved by Govt.

The tank has now ceased to be a source of water supply and the Municipality has leased it out for quarrying for one year on an extensive scale for a sum of Rs 7200/-. The right of control over the tank did not convey to ~~a right to~~ an absolute claim to the it ~~was~~ and further the Municipality has now ceased to maintain it. The leasing out of the quarry is against the admission of the Vice-President that no further Quarrying will be carried on in it. Now that the Municipality has

to request the Municipality to credit the lease amount to Govt as may be approved. Before doing so the Coll may be requested to state whether he had drawn the attention of the Municipality to the orders contained in (K) (Y) BoP. 1217 d 3.4.1884 and G.O. No 758 Rev. d 16.6.1884 which explain ~~the~~ its right over the quarries in the tank and ~~if~~ so, whether it has any objection to credit the lease amount to Govt. If ~~for orders~~ they refuse to do so the question of asserting Govt's right to the quarry may be taken up.

For orders.

7.2.29

8/2/29

under Sec. 125 (1) of the Madras Municipalities Act of 1920 all public works, tanks etc. existing at the time of the coming into force of this Act or after was made, and whether made at the cost of the Mc. council or otherwise vest in Mc. council only for the purpose of securing public health, safety and convenience of the locality In the present case there is no doubt that the tank merely vests in the Mc. council & mc. council may lease out property vested in it and such lease shall be valid without the sanction of the Collr. in case period of the lease does not exceed 12 months the present lease is for a year and there

is valid. As however the tank is vested in the Ml. comm for the purpose of conserving water supply and as the Collr. states that the tank is no longer reqd. as a source of water supply, there is no reason why the leasing of the land should be left to the Ml. council and why Govt. should not assume the administration of the tank under Sec. 125(2) of the Madras Dt. Municipalities Act. If the Board considers that the tank may be withdrawn from the control of the Ml. council, the Collr. will be asked to submit necessary proposals for the sanction of Govt. So that further future leases may be issued by Govt. and Ml. council. It is not clear whether Govt. can ~~ask the Ml. Council to pay~~ recover the lease rent for this year from the Ml. council as the lease is not invalid - having governed by the rules under the Act.

p. 1 cf

p. 236 Supplement to Manual

The Collr. may be asked to report whether there is any objn. to the exclusion of the tank from the control of the Mcl. under §125(2). His attention may be drawn to 3 221 and 224 also.

L 23.2.29

This may be considered after receipt of the Collr's report.

(G)

L 23.2.29.

L 13.2.29

Is not seigniorage fee due to Govt.? What is the rate? Will the fee be payable in addition to rent if the quarry is granted on lease by Govt.?

L 16.2.29.

~~A.S.(Ad)~~

To A.S.(LR).

Ref. Asst. Secy's query above.

Resolution

The land in question should be taken to fall

fall under Class 4 (h) at p. 2 of the Running Rules Pamphlet. and the removal of stone is governed by rule 19(1) of the said rules. As the tank quarry has been leased out by the Municipality, the question as contemplated by the rule was not brought to the notice of the Board before the grant of the lease. Under rule 19(1) the seigniorage fee for a cart load of rough stone is one anna and that for Chisselled stone is two annas per cart load. If the Local body had quarried stone for its own use no seigniorage will be leviable. As the Municipality has leased out the quarry it is has become a Commercial Concern - rule 19(1) of the rules. The rules that apply to private persons should be made to apply in this case it appears, also i.e. Govt will be entitled to the ordinary assessment and the seigniorage fee. As the tank according to the note put up in P5. reserving the tank still vests in the Municipality the surface rights should be considered to vest in them. Govt will not therefore be entitled to the ordinary assessment but will be entitled to the seigniorage fee.

p11 of the Pamphlet.

Sub para under rule 19 (4)(iii) p11.

It can not only rest in the Govt for a specific purpose, viz Water-supply. They are not owners of the Surface or Quarry rights.

47.

2. The rate as pointed out above is 1 anna per cart load for rough stone and 2 annas per cart load for Chisselled stone.

3. Govt will in ordinary circumstances be entitled to assessment and seigniorage fee. But in the present case it is noted that the

they will be entitled only to the seigniorage fee

For orders whether the Coll^r may be requested to address the Municipality to pay the seigniorage fee to Govt. The amount that can be realised will depend upon the quantity of stone removed. The Municipality will get a fixed amount of Rs. 7200 p. from the lessee.

Sd
15.2.29.

B
15-2-29

Ly
23.2.29.

Sd
25/2

I do not see that much will be gained, except further correspondence, by starting a correspondence with the Collr through the Collr at this stage. The tank was vested, or rather the control of the tank was vested, in the Collr for a particular purpose, viz. Water-supply. It is wanted to be used for that purpose, and is being used by the Collr as a source from which it derives a large income. Land reclamation was done during the period of the original intention. Such reclamation as has been permitted to go on up to 1884, was admittedly permitted only because it tended by deepening the tank, to improve its capacity as a source of supply. The Collr had no business to continue reclaiming after it undertaking of 1884, and even if the same course, viz. improvement of the tank's capacity, could have been urged for such continuance so long as the tank was used for its original purpose it

Please further note on p. 7

ers a plea which should become ex-
tinct as soon as the tank ceased
to be used for water-supply. The
Engr probably did not act in bad faith
in the matter; the whole thing is an in-
stance of slackness, I suspect, on the
part of the Rev. authorities in Bombay
on the interests of Govt.

The lease expires on 31st Oct next.
I recd. and press, in all the circs., for
the cancellation of the lease. ~~[illegible]~~ But the tank shd
be resumed to Govt from the date
of expiry of the lease & shd thereafter be controlled by the Rev. authorities

As regards Sanitary etc. under
the Statutory rules issued by Govt — &
the B & L.B. Act, certain things are necy:
The C shd report at once whether the lease
~~[illegible]~~ is in the form III prescribed
in that Notifn, and whether the lease
granted contains the stipulations re-
quired in Rule 5 of those rules: a
copy of the lease shd be submitted. The C
shd report within 14 days.

(Rule 3(b))

HLG
25.2.24.

~~[illegible]~~ NB Rule 5 in question

Refers the lessee to pay to Govt. annual assessment or ground-rent. The most recent order re G.R. makes the local body 'primarily' responsible for G.R. (Vide discussion in the case of the Banks in Nellore Park). It does not appear :- That the Rule 5 in G is in accordance with the latest standing order on the subject. Does the Bd. even allude to this Notifn? Did we accept the rule? If so, separately :- see in order to the C Govt, and promptly.

p.2 of (G)

A

Encl as draft urgent.

Sd/
26.2.29

A.S. (LR)
Thro' R.

To A.S. (LR).

Draft submd.

2. The lands can be excluded from the control of the Ml. council only after consulting the municipal council and giving due regard to its objections if any. Pl. see sec. 125(2) of the Dt. Municipalities Act. In submitting to Govt. proposals for exclusion the opinion of the Ml. council also is necessary. ~~[illegible]~~

Sd
26/2/29.
B
26.2.29

p236. supple. to Madras code.

2nd
7/3/29

p7 nf.

K1

For further note on H.'s orders above
B
28.2.29

R.V
21/2
27.2.29.

9

To asstt secy.

Please see the remarks of M I at the portion marked A overleaf.

In this memo no 3578 A/27 of 18-4-28 the Govt proposed to amend note (4) to B.S.O. no 24 (12) in order to make it clear that when a local body merely leases or mortgages or temporarily alienates land belonging to it, it will continue to be primarily responsible for the payment of the revenue due on it. ... The Board pointed out to them that under rule 5 of the rules in G.O. no 4482 L & M of 17-11-27 at (G) the assessment or ground-rent is recoverable from the person to whom a local body transfers a land temporarily & also suggested that the rules at p 2 of the G.O. would have to be modified if the local body would continue to be primarily responsible for the payment of the revenue due on the land. But they declined to accept this view and hence the amended note (4) to B.S.O. no 24.

Now well.

5-3-28. pkr

Shall we see the Govt. before it is issued?

MCP

93

M1
S
S(LR).

To asstt Secy.

Please see M1's query on the previous page.

The Board's rejees to Govt at pp 1 to 3 (R) were issued on the orders of the Secy & the then M1 and M2. Please see pp 8, 10 & 11 ante of B.P. Press 103 of 15-9-28 (C).

(F) The draft of note (4) to B.So.26-12 as proposed by the Board ~~to Govt~~ & that as approved by Govt are put up side by side below. There are no material differences between the two. Routine drafts communicating Govt's to other are not generally submitted for Secy's approval.

K
11/3
12.3.29.

12.3.29.

M1 means the draft to the Coll.
is on file in the notes at pp 6-8.
With A.S. L.R. please speak.

12/3

Spoke to A.S. & M1.
No action required
12/3

M1
S
A.S.(LR)
Thro' the
12/3
19.3.29

To A.S.(LR).

Board's Ref. K.169-29-18. 27.2.29.
K. 2387/29.

L.C.I

The Coll^r has subd the ~~note~~ draft notification & the sketch called for. The views of the Municipal Council regarding the exclusion of the tank from its ~~control~~ has not yet been obtained. ~~For~~ ~~whether~~ The receipt of the further report may from

as the

sary – Vide

~~order~~
submission

W 21/7

A.S. (LR)
Thro B. Rly
21/3
21.3.24

M, ~~LR~~
S
~~A.S. (LR)~~
Thro B see

29. pp 6 c.f.

p 8 c.f.

29 p 14 c.f.

p. 16 c.f.

8 and 16 c.f.

) the Collector

- fee due

nted by the

k from the

pp. 4-6 N.F.

overn ment

Govt will

the lease

lease deed in the present case is not in the form
of III prescribed in the G.C. at (G). nor does
it contain the Condition of payment of
ground-rent by the lessee to Govt.

For orders.

Point (b). B. sec^y will kindly note on this point

Exclusion of the tank from the Control of the Municipality:

Action for the enclosure of the tank should be taken under sec 125(3) of the 1920 Municipalities' Act. It requires that the municipal Council should be consulted and that due regard should be given to its objections. The Collr now reports that the Municipal Council has declined to relinquish their control over the tank. It has also passed a resolution to maintain the tank as an additional source of water supply and not to let it for quarrying. In the circumstances, the question of excluding the tank from the control of the Municipality may be dropped, and the Collr may be told that he should take prompt steps to bring to notice any breach of this condition.

Re resolution of the Municipal Council may be overlooked. There is no need for retaining the Main waring tank for drinking purposes. The notification may

Dis may be pointed out to Govt and they may be requested to direct the M.C to pay the assessment and G.R due to Govt

BVR 24/7

Sec 19.7.29.

Ocs 19.7.29.

Ans 1 & 16 Cf.

Copy at the foot of page. 16. Cf

DA 22.7.29.

Overruled

be submitted to Govt

BVS
24/7

I am afraid Mr. Stokes will land us in difficulties. It is all very well for him opin to suggest that ground rent and assessment should be charged by order of Govt. but ground rent & assmt? It can only be one or the other. Also what is the aggregate ground rent & assmt* on a typical bld? Pres. ground rent is Rs 6-4-0 an acre. ~~Surplus Islands for~~ In this the Municipality is liable. The Lessee also appears liable ~~to pay for sweeping and to a share of~~ for sweeping. ~~The ordinary scheme~~ It is all different to the Govt. Hill the simplest thing would be to call Govt. to order the necessary steps to be taken with regard to the Municipality there and in N.

Regarding the reading of the last Paragraph with the A.S. that Govt. may consult the Municipality, views & reasons then I do not think any such necessary

VBV
24/7

To A.S. (LR)

S
A.S. (LR)
Thro B. see

~~Ref.~~ Secy's query above.

~~Resubmitted~~ B-31-7-24

2. It is submitted that in the notes at pp 4-6 p. above it was pointed out that Govt will be entitled both to assessment and

and seigniorage fee. (Assessment is charged for the enjoyment of surface rights and seigniorage fee for the Govt's share of the mineral removed.)

~~Assessment~~ Assessment or ground rent ~~can~~ can be claimed and not both.

SLS 30.7.29.

The silt is a tank bed and it bears only no assessment at present. If it should be used as "building site" only with it be liable to pay ground rent at the assumed agricultural assessment viz 6-4-0 per acre.

NA. 1.8.29.

By 1/8 Quite so. Noted. 2/8

I am inclined to agree with Secy as to the course to be pursued, but before ~~addressing~~ addressing to first ascertaining what the Municipal Commr's decision should be disposed, I think we should have a definite opinion for the Collector whether the tank in its present condition can be made use of as a source of additional water supply, i.e. whether the proposal to stop quarrying and allow the tank to revert to its legitimate uses is bona fide or not.

3/8/29

AS (Lett) 5/8/29

To AS (Lett)

Draft subd 6.8.29.

SLS 5/8/29.

NA 5.8.29

M,
A.S. (Gett)
for B.

Board's Ref. K 169 – 29.4 & 7.8.29.
K 7214/29.

p 20 C.F.
p 21 C.F.

To A.S. (Gett).

Pl. see the Colln's letter at p 21 C.F. He reports that the proposal of the Municipal Council, Bellary to stop quarrying and maintain the tank in question as a source of water supply is bonafide. In the circumstances it is for orders whether the resolution of the Municipal Council should be overruled and recommend to Govt. for being the tank resumed from their its control as ordered as page 14 N.F. above. or whether the Board would recommend only the recovery of the [redacted]. The question of excluding the tank from the Control of the Municipality 12.9.29 may, it seems, be dropped, and Govt addressed for the recovery of the lease amount.

2 copies sent by Govt

DA 14.9.29.

Colln 14.9.29.

The tank is properly called 'Mainwaring' and not Main Waring as in Collectr's letter. Govt 17/9

DA 13.9.29

To A.S. (Gett)

Draft subd.

20 A.S. (Gett)

21.9.29.

Revised draft subd.

Colln 27.9.29

24/9/29

24.9.29

To A.S. (Gett)

Thro' Secy

DA 25.9.29

2.10.29

pp 22-24 C.F. Bd's Req. K. 169-29-5 of 28.9.29.

p. 33 C.F. Lr. 3016/30

To A.S. (Sete).

Draft Req. to Coll^r^ subd^d^

16.5.30.

17/2

A.S. (Sete).

pp 35-37 C.F. Board's Req. K. 169-29-10 of 10.5

pp 38-40 C.F. K. 3258/30.

To A.S. (Sete).

G.M

This put up paper. Have seen left hand side.

14/7/30

Pl. see the Coll's letter at pp 38-39 C.F. & Govt enquire whether the lease amounts in the three previous years were definitely waived, and if so, whether there is any objection to waive the present claim for Rs 7200/- also. From the Coll's letter it will be seen that the no claim was preferred in the three previous occasions when quarrying was allowed in the taluk and there was no definite waiver of the claim. The Coll^r^ states that no objection was raised by the Rev. Dept^t^ on those occasions as the undertaking given in 1884 was not violated. The agreement by which the Municipality took 1/3 of the stones and slabs quarries savours more of a private

rivate Contract Ltaw of a lease for
arrying covered by the rules. The lease
mounts ~~acto~~ realised in 1923-24
Rs 2800/-) and in 1928-29 (Rs 2335/-)
re fairly large and it is doubtful
the quarrying was made solely
th the view of improving the tank.
e Collr. however, states that the
ndertaking given in 1884 was not violated.
Govt may be informed that no claims
re preferred in the previous years
nd therefore ~~was~~ that they were
ot definitely waived. It is for
onsideration whether in view of the fact that
e Municipality is reported to have the
ent the amount of Rs 7200/- realised
. 928 and 1929 on the maintenance
f roads and pleads inability to refund
~~an~~ it to Govt, the Board would
ecommend the waiver of its recovery.
Govt may be informed that the Municipality
hould not in future be allowed to
ermit any quarrying in the tank
xcept with a view to improve it as an
rtificial drinking water source.
forwarded.

S
Mr

3-7-30 9.7.30

The Govt. may be informed of
the income derived by the Municipality
from quarrying in the tank in previous years.

they may also be informed that on no occasion was the loan amount definitely waived. As regards the present claim the B. may say that it has no objection to remit it if Govt. think fit to do so in the circs explained by the Council

Clerk
5.7.30.

Mr [illegible] approved
Cash
14-7-30.

A.S. (Telt)

To A.S. (Telt)

Draft subd

4. The Exchange Remn from Govt is also subd with draft reply.

Clerk
23.7.30.

SIG
22/7/30

22.7.30

To A.S (Telt)

Boards Ref. K. 169-29-11 dd 23.7.30. pp 41-42 c

K. 3630/30. — p 43 c

Draft subd

SIG
5.9.30.

5.9.30

Clerk
6.9.30.

GOVERNMENT OF MADRAS

SECY.
17 SEP 1930
Development Department.

~~B 4709~~
K 3736

Memorandum No.2877 -II/30-1 dated 13th September 1930.

.....

Reference: Boards Proceedings No. 2630 Mis. dated 6-9-30

BOARD OF REVENUE
17 SEP 1930
LAND REV. & SETTLEMENT

The lease deed is herewith returned.

R.Ramaswamy Ayyangar
Assistant Secretary.

To the Collector of Bellary (with lease deed)

Copy to the Board of Revenue, Land Rev. and Settlement.

F o r w a r d e d.

(By order)

Superintendent.

O.R. Filed with BP No 2630 Mis (T)

6-9-30

Note. Please see para 2 at P 44 of (T)